

**HIGH COURT OF TRIPURA
AGARTALA
A.B. No.42 of 2025**

1. Shri Pankaj Das, (Age 35 years)
S/O Shri Maran Das

2. Shri Tapash Das, (Age 25 years)
S/O Shri Tarani Das

- Both are Residents of
Palpara, Melagarh,
District – Sepahijala Tripura.

.... Accused Petitioners

Versus

The State of Tripura,
(Represented by the Secretary,
Home Department),
Government of Tripura, Agartala.

.....Respondent

For Applicant(s)	:	Mr. Janardhan Bhattacharjee, Adv. Mr. Nani Gopal Debnath, Adv.
For Respondent(s)	:	Mr. Rajib Saha, Addl. P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

11/06/2025

This pre-arrest bail application under Section 482 of BNSS, 2023 is filed for granting bail to the accused petitioners in connection with Bishramganj Police Station Case No.007/2025 (2025 BRG 007) under Section 316(3)/3(5) of BNS of 2023.

Heard Learned Counsel Mr. J. Bhattacharjee appearing on behalf of the accused petitioners and also heard Learned Addl. P.P., Mr. R. Saha appearing on behalf of the State-respondent.

As ordered earlier, Learned Addl. P.P. has produced the CD.

Taking part in the hearing, Learned Counsel Mr. J. Bhattacharjee appearing on behalf of the accused petitioners

submitted that from the contents of the FIR it appears that there is no allegation of commission of criminal breach of trust by the accused persons rather to the extent there is evidence of commission of theft. Furthermore, Learned Counsel submitted that the alleged articles by this time have been seized by the I.O. of this case and furthermore the applicant Pankaj Das is a college going student and if by this time he is not given the protection then his entire career will be spoiled. He further submitted that in a similar nature of case the Hon'ble Andhra Pradesh High Court and Jharkhand High Court have granted pre-arrest bail to the accused persons.

On the other hand, Learned Addl. P.P. appearing on behalf of the State-respondent submitted that there is direct evidence of commission of criminal breach of trust by the accused petitioners and the seized missing articles were recovered from the residence of accused petitioner Pankaj Das. So for the sake of proper investigation of this case, the pre-arrest bail application needs to be rejected and Learned Addl. P.P. further submitted that the present applicant earlier approached to the Sessions Court which was also rejected and furthermore, the I.O. of this case also by this time has submitted a prayer before the Learned Court below for adding Section 316(5) of BNS which is also pending for disposal. So, for the sake of proper investigation of the case, Learned Addl. P.P. urged for rejection of the pre-arrest bail application.

To counter the submission made by Learned Addl. P.P., Learned Counsel, Mr. J. Bhattacharjee further submitted that if the prosecution story is found to be correct in that case no FIR is laid by the informant against the driver or owner of the alleged offending vehicle through which the seized articles were shifted or removed from the alleged PO.

Considered.

In this case, the prosecution was set into motion on the basis of an FIR laid by one Swapan Chandra De to O/C, Bishramganj PS alleging *inter alia* that he got contract work from the PWD Department for construction of Bishramganj Drug Rehabilitation Center and accordingly, he collected and stored iron rods, stone chips, cements etc to the work site and for the purpose of supervising the said work, he engaged one Pankaj Das of Melagarh as a Supervisor.

It was further submitted in the FIR that about 4 (four) months back said Pankaj Das was entrusted to look after the work and one Tapash Das was also engaged as a labourer therein since last 2 (two) months. After that said Pankaj Das and Tapash Das since last few days back removed approximately 10 tons Shyam Steel rod and 600 feet stone chips along with 250 bags of cement from the alleged work site without his consent. Hence, the informant laid the FIR.

I have seen the FIR and also perused the CD. The investigation of the case is in progress. By this time, the I.O. has seized 8,708 Kgs of iron rods of Shyam Steel Company of various diameters from the residence of accused petitioner Pankaj Das along with 400 feet stone chips (20 mm) from his residence and also perused the statements of witnesses so far recorded by I.O. up to the stage of investigation. The applicant Pankaj Das was appointed on 20.12.2021 by the informant as a supervisor to look after the jobs at the construction site.

From the statement of the witnesses recorded by I.O., it appears to this Court that the present applicants on different times removed the seized alamats from the work site allotted to the

informant by the respective department. Further there is no document to substantiate that the applicants are college students.

So considering the materials on record, at this stage I find no scope to consider the pre-arrest bail application filed by the accused petitioners. Accordingly, the same stands rejected.

Return back the CD to I.O. through Learned Addl. P.P. along with a copy of this order. Return back the record to the Learned Court below along with a copy of this order.

With this observation, this pre-arrest bail application stands disposed of.

JUDGE



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